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SEATTLE, WA**FACSIMILE TRANSMITTAL SHEET**DELIVER TO Mail Stop AmendmentFACSIMILE NO.: (571) 273-8300 TELEPHONE NO.: \_\_\_\_\_FROM: Michelle Begay for Marina PortnovaDATE: July 23, 2007TOTAL NUMBER OF PAGES INCLUDING COVER SHEET: 15OPERATOR: Michelle Begay OUR REF.: 42P12368

Message:

Application No.: 10/002,333

Enclosed please find the Amendment for the above case.

Thank you,

Michelle Begay  
Secretary to Marina Portnova  
(408) 720-8300 x3493**RECEIVED**  
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**JUL 23 2007**IF YOU DO NOT RECEIVE ALL THE PAGES, OR IF THERE IS ANY DIFFICULTY IN RECEIVING, PLEASE  
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JUL 23 2007

AMENDMENT TRANSMITTALPATENT

Application No.: 10/002,333  
 Filing Date: November 14, 2001  
 First Named Inventor: David Emerson  
 Examiner's Name: Nguyen, Phuongchau  
 Art Unit: 2616  
 Attorney Docket No.: 042390.P12368

- ☐ An Amendment After Final Action (37 CFR 1.116) is attached and applicant(s) request expedited action.
- ☒ Charge any fee not covered by any check submitted to Deposit Account No. 02-2666.
- ☒ Applicant(s) hereby request and authorize the U.S. Patent and Trademark Office to (1) treat any concurrent or future reply that requires a petition for extension of time as incorporating a petition for extension of time for the appropriate length of time and (2) charge all required fees, including extension of time fees and fees under 37 CFR 1.16 and 1.17, for any concurrent or future reply to Deposit Account No. 02-2666.
- ☐ Applicant(s) claim small entity status (37 CFR 1.27).

ATTACHMENTS

- ☐ Preliminary Amendment
- ☒ Amendment/Response with respect to Office Action
- ☐ Amendment/Response After Final Action (37 CFR 1.116) (reminder: consider filing a Notice of Appeal)
- ☐ Notice of Appeal
- ☐ RCE (Request for Continued Examination)
- ☐ Supplemental Declaration
- ☐ Terminal Disclaimer (reminder: If executed by an attorney, the attorney must be properly of record)
- ☐ Information Disclosure Statement (IDS)
- ☐ Copies of IDS citations
- ☐ Petition for Extension of Time
- ☒ Fee Transmittal Document (that includes a fee calculation based on the type and number of claims)
- ☐ Cross-Reference to Related Application(s)
- ☐ Certified Copy of Priority Document
- ☐ Other: \_\_\_\_\_
- ☐ Other: \_\_\_\_\_
- ☐ Check(s) \$ \_\_\_\_\_
- ☒ Postcard (Return Receipt)

SUBMITTED BY:

BLAKELY SOKOLOFF TAYLOR &amp; ZAFMAN LLP

TYPED OR PRINTED NAME: Martina PortnovaSIGNATURE: *M. Portnova*REG. NO.: 45,750DATE: July 23, 2007ADDRESS: 12400 Wilshire Boulevard, Seventh FloorLos Angeles, California 90025TELEPHONE NO.: (408) 720-8300FACSIMILE TRANSMITTAL

I hereby certify that this correspondence is being transmitted by facsimile to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, in accordance with 37 CFR § 1.6(d), on the date shown below.

on July 23, 2007

Date of transmission

Michelle Begay

Name of Person Faxing Correspondence

Signature

July 23, 2007

Date

Send to: COMMISSIONER FOR PATENTS, P.O. Box 1450, Alexandria, Virginia 22313-1450

(10/14/03)

JUL 23 2007

Page 1 of 3

**FEE TRANSMITTAL FOR FY 2007**

(Effective on 12/08/2004. Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).

**TOTAL AMOUNT OF PAYMENT (\$)** \$00.00**Complete if Known:**

Application No. 10/002,333  
 Filing Date November 14, 2001  
 First Named Inventor David Emerson  
 Examiner Name Nguyen, Phuongchau  
 Art Unit 2816  
 Attorney Docket No. 042390.P12368

Applicant claims small entity status. See 37 CFR 1.27.

**METHOD OF PAYMENT** (check all that apply)
☐ Check ☐ Credit Card ☐ Money Order ☒ None ☐ Other (please identify)
☐ Deposit AccountDeposit Account Number : 02-2666

Deposit Account Name: \_\_\_\_\_

☒ The Director is Authorized to do the following with respect to the above-identified Deposit Account:☒ Charge fee(s) indicated below.☒ Charge any additional fee(s) or underpayment of fee(s) during the pendency of this application.☒ Charge fee(s) indicated below except for the filing fee☒ Credit any overpayments.☒ Any concurrent or future reply that requires a petition for extension of time should be treated as incorporating an appropriate petition for extension of time and all required fees should be charged.

Warning: Information on this form may become public. Credit card information should not be included on this form.  
 Provide credit card information and authorization on PTO-2038.

**FEE CALCULATION****1. BASIC FILING, SEARCH, AND EXAMINATION FEES**

Large Entity		Small Entity		Fee Description		Fees Paid (\$)
Fee Code	Fee (\$)	Fee Code	Fee (\$)			
1011	300	2011	150	Utility application filing fee	} 1,000/500	<u>00.00</u>
1111	500	2111	250	Utility search fee		<u>00.00</u>
1311	200	2311	100	Utility examination fee		<u>00.00</u>
1012	200	2012	100	Design application filing fee	} 430/215	_____
1112	100	2112	50	Design search fee		_____
1312	130	2312	65	Design examination fee		_____
1013	200	2013	100	Plant filing fee	} 660/330	_____
1113	300	2113	150	Plant search fee		_____
1313	160	2313	80	Plant examination fee		_____
1004	300	2004	150	Reissue filing fee	} 1,400/700	_____
1114	500	2114	250	Reissue search fee		_____
1314	600	2314	300	Reissue examination fee		_____
1005	200	2005	100	Provisional application filing fee		_____
SUBTOTAL (1)						<u>\$ 00.00</u>

JUL 23 2007

Page 2 of 3

**2. EXCESS CLAIM FEES****Fee Description****Large Entity**      **Small Entity**

Fee      Fee      Fee      Fee

Code      (\$)      Code      (\$)

1202      50      2202      25

1201      200      2201      100

1203      360      2203      180

1204      200      2204      100

1205      50      2205      25

**Fee Description**

Each claim over 20

Each independent claim over 3

Multiple dependent claims, if not paid

Reissue: each claim over 20 and more than in the original patent

Reissue: each independent claim more than in the original patent

	<u>Extra Claims</u>	<u>Fee</u>	<u>Fees Paid (\$)</u>
Total Claims <u>9</u> - 20 or HP = <u>0</u>	X	<u>00.00</u>	
HP = highest number of total claims paid for, if greater than 20			
Independent Claims <u>3</u> - 3 or 9 = <u>0</u>	X	<u>00.00</u>	
HP = highest number of independent claims paid for, if greater than 3			
Multiple Dependent Claims		<u>00.00</u>	

SUBTOTAL (2) \$ 00.00**3. APPLICATION SIZE FEE**

If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 C.F.R. 1.52(e)), the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

<u>Total Sheets</u>	<u>Extra Sheets</u>	<u>Number of each additional 50 or fraction thereof</u>	<u>Fee from below</u>	<u>Fees paid (\$)</u>
<u>          </u> - 100 = <u>0</u> / 50 = <u>          </u> (round up to whole number)	X	\$ <u>00.00</u>		

**Large Entity**      **Small Entity**

Fee      Fee      Fee      Fee

Code      (\$)      Code      (\$)

1081      250      2081      125

1082      250      2082      125

1083      250      2083      125

1084      250      2084      125

**Fee Description:** Application size fee for each additional group of 50 sheets beyond initial 100 sheets (count spec & drawings except sequences & program listings):

Utility

Design

Plant

Reissue

SUBTOTAL (3) \$ 00.00

JUL 23 2007

Page 3 of 3

## FEE CALCULATION (continued)

## 4. OTHER FEE(S)

Non-English Specification, \$130 fee (no small entity discount)

Fees Paid (\$)

Large Entity		Small Entity		Fee Description	
Code	Fee (\$)	Code	Fee (\$)		
1051	130	2051	65	Surcharge - late filing fee or oath	
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet	
1053	130	1053	130	Non-English specification	
1812	2,520	1812	2,520	For filing a request for ex parte reexamination	
1813	8,800	1813	8,800	Request for inter parties reexamination	
1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action	
1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action	
1251	120	2251	60	Extension for reply within first month	
1252	450	2252	225	Extension for reply within second month	
1253	1,020	2253	510	Extension for reply within third month	
1254	1,590	2254	795	Extension for reply within fourth month	
1255	2,160	2255	1,080	Extension for reply within fifth month	
1401	500	2401	250	Notice of Appeal	
1402	500	2402	250	Filing a brief in support of an appeal	
1403	1,000	2403	500	Request for oral hearing	
1451	1,510	1451	1,510	Petition to institute a public use proceeding	
1452	500	2452	250	Petition to revive - unavoidable	
1453	1,500	2453	750	Petition to revive - unintentional	
1501	1,400	2501	700	Utility Issue fee (or reissue)	
1502	800	2502	400	Design Issue fee	
1503	1,100	2503	550	Plant issue fee	
1462	400	1462	400	Petitions to the Commissioner (CFR 1.17(f) Group I)	
1463	200	1463	200	Petitions to the Commissioner (CFR 1.17(g) Group II)	
1464	130	1464	130	Petitions to the Commissioner (CFR 1.17(h) Group III)	
1807	50	1807	50	Processing fee under 37 CFR 1.17(q)	
1806	180	1806	180	Submission of Information Disclosure Stmt	
8021	40	8021	40	Recording each patent assignment per property (times number of properties)	
1809	790	2809	395	For filing a submission after final rejection (see 37 CFR 1.129(a))	
1814	130	2814	65	Statutory Disclaimer	
1810	790	2810	395	For each additional invention to be examined (see 37 CFR 1.129(b))	
1801	790	2801	395	Request for Continued Examination (RCE)	
1802	900	1802	900	Request for expedited examination of a design application	
1504	300	1504	300	Publication fee for early, voluntary, or normal pub.	
1505	300	1505	300	Publication fee for republication	
1803	130	1803	130	Request for voluntary publication or republication	
1808	130	1808	130	Processing fee under 37 CFR 1.17(i) (except provisionals)	
1454	1,370	1454	1,370	Acceptance of unintentionally delayed claim for priority	

Other fee (specify) \_\_\_\_\_

Other fee (specify) \_\_\_\_\_

SUBTOTAL (4) \$ 00.00

\*Reduced by Basic Filing Fee Paid

## SUBMITTED BY:

Typed or Printed Name: Marina Portnova

Signature: 

Date: July 23, 2007

Reg. Number: 45,750

Telephone Number: 408-720-8300

Send to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

- 3 -

Based on Form PTO/SB/17 (02-07) as modified by BLAKELY, SOKOLOFF, TAYLOR &amp; ZAFMAN LLP on 2/20/07

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JUL 23 2007

Attorney's Docket No.: 042390.P12368

Patent

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

David Emerson

Application No.: 10/002,333

Filed: November 14, 2001

For: Computing System and Method To  
Select Data Packet

Examiner: Nguyen, Phuongchau

Art Unit: 2616

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450AMENDMENT AND RESPONSE TO OFFICE ACTION

Sir:

In response to the Non-Final Office Action mailed April 23, 2007, Applicant respectfully requests the Examiner to consider the following remarks.

FACSIMILE TRANSMITTAL

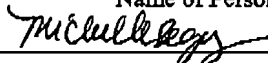
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on July 23, 2007

Date of transmission

Michelle Begay

Name of Person Faxing Correspondence



Signature

July 23, 2007

Date

42390.P12368

1